

**AMENDMENTS TO THE CLAIMS**

This listing of claims replaces all prior versions and listings of claims in the application:

1. (Currently Amended): A method of monitoring the functionability of a brake lining (10, 12), comprising the following steps:

measuring a value that characterizes the dielectric constant of the lining material,  
wherein the lining material is provided between a first, pressing braking member and a second, pressed braking member;

comparing the measured value with a reference value for the lining material; and  
determining the functionability when the measured value is within a specific tolerance range.

2. (Previously Presented): A method as claimed in claim 1, characterized in that the measured value is determined by a static capacitance measurement.

3. (Original): A method as claimed in claim 1 or 2, characterized by the further step of performing a conduction measurement.

4. (Previously Presented): A method as claimed in one of claims 1 to 2, characterized by the further step of providing at least two conductors (34, 36) located in the lining material.

5. (Currently Amended): A brake lining (10, 12) comprising:  
a lining material, wherein the lining material is configured to be provided between a first, pressing braking member and a second, pressed braking member; and  
at least two conductors (34, 36) arranged in the lining material in a way so that the conductors (34, 36) can be used to perform a capacitance measurement.

6. (Previously Presented): A brake lining (10, 12) as claimed in claim 5, wherein the lining material includes a braking surface, characterized in that the conductors (34, 36) are essentially arranged in a plane which is essentially parallel to the braking surface of the brake lining (10, 12).

7. (Original): A brake lining (10, 12) as claimed in claim 5 or 6, characterized in that the conductors (34, 36) are made of a foil material.

8. (Previously Presented): A brake lining (10, 12) as claimed in one of claims 5 to 6, wherein the brake lining comprises a brake lining material, characterized in that the conductors (34, 36) are imbedded in the brake lining material so that the brake lining material is present on both sides of the conductors (34, 36) in the wear direction of the brake lining (10, 12).

9. (Currently Amended): A brake (2) comprising:

a first, pressing braking member;

a second, pressed braking member

a brake lining (10, 12) provided between the first and second braking members, the brake lining comprising a brake lining material; and

a brake lining monitoring device which is constructed so that it can determine the functionability of the brake lining (10, 12) on the basis of a change in the dielectric constant of the brake lining material.

10. (Previously Presented): A brake (2) comprising:

a brake lining (10, 12) according to one of claims 5 or 6; and

a brake lining monitoring device which is constructed so that it can determine the functionability of the brake lining (10, 12) on the basis of a change in the dielectric constant of the brake lining material.

11. (Original): A brake (2) as claimed in claim 10, characterized in that the brake lining monitoring device comprises a resistance which, in conjunction with the capacitance emitted by the at least two conductors (34, 36) forms an oscillating circuit.

12. – 13. (Canceled).